

**TOWN OF DAVIE  
REGULAR MEETING  
OCTOBER 20, 2004**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 6:37 p.m. and was followed by the Pledge of Allegiance, which was led by the Boy Scouts Pack 170. The Boy Scouts presented the Fire Department with the flag.

**2. ROLL CALL**

Present were Mayor Truex, Vice-Mayor Paul (arrived 6:37 p.m.), Councilmembers Crowley, Hubert and Starkey. Also present were Interim Town Administrator Kovanes, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

Councilmember Starkey made a motion, seconded by Councilmember Hubert, to add items 3.3 and 3.4. In a voice vote, all voted in favor with Vice-Mayor Paul being absent. (Motion carried 4-0)

**3. PRESENTATIONS**

**3.1. Second Quarter Employee Recognition Awards**

Human Resources Analyst Maureen Sealy presented the recipients of the second quarter 2004 Employee Recognition Awards. Awards were presented to Fire Lieutenant James Ross, Police Sergeant Robert Labelle, and Planner David Abramson. Ms. Sealy introduced members of the Employee Recognition team including Operations Supervisor John Cassaro, Office Assistant Sheila Preston and Human Resources Assistant Grace Garagozzo.

**3.2. Memorial Healthcare Systems - Eastside Neighborhood Revitalization Program**

Director of Housing and Community Development Shirley Taylor-Prakelt spoke of the Town's relationship with the South Broward Hospital District. She recognized Angela Hill and Memorial Health Care and their associates for their partnership with the Town in helping the underserved segments of residents on the east side. Ms. Hill thanked the Town for initiating this partnership and spoke of her work on behalf of residents of Palma Nova.

Ms. Taylor-Prakelt recognized Memorial Health Care's employees who participated in these neighborhood projects including Nadine Espino and Nicole Bernard. She also recognized Steve Santierra, and Al Jones, chairman of the commissioners for the South Broward Hospital District. Ms. Taylor-Prakelt also introduced her Safe Neighborhood Coordinator Giovanni Moss, who would be taking over these efforts.

**3.3 Broward Days - John Pisula**

Mr. Pisula discussed Broward Days and wanted businesses and residents to learn about the benefits of participation. He spoke of his desire to highlight the Town of Davie at Broward Days to benefit further from legislation and business ventures. Mr. Pisula advised of his organization's efforts for the upcoming Toys for Tots drive.

**3.4 Davie Police Athletic League**

Donna Evans, secretary for Police Athletic League (PAL), introduced PAL's new boardmembers.

Vice-President Geri Clark invited the public to participate in PAL's flea market to be held on November 13th. She also invited the public to PAL's Open House to be held on December 11th.

Brian Kaplan requested that the Town allow PAL to take over Bamford Park's concession stands. Councilmember Hubert asked if they had considered Gessner Park. Mr. Kaplan replied in the affirmative.

## **TOWN COUNCIL MINUTES OCTOBER 20, 2004**

Mayor Truex advised that staff had requested that item 4.8 be tabled to November 3, 2004.

Councilmember Starkey made a motion, seconded by Councilmember Hubert, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Bill Laystrom, representing the applicant, indicated that the applicant wished to withdraw item 6.7. He requested that if closing did not go through, that the applicant not have to pay filing fees a second time.

Councilmember Starkey made a motion, seconded by Councilmember Hubert, to withdraw. In a voice vote, all voted in favor. (Motion carried 5-0)

Mr. Leiva indicated that the applicant had requested that item 6.8 be tabled to November 17, 2004 to complete final paperwork on the application.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex asked that item 4.31 be added.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

### **4. APPROVAL OF CONSENT AGENDA**

#### *Minutes*

- 4.1. July 27, 2004 (Workshop Meeting) (tabled from October 6, 2004)
- 4.2. August 4, 2004 (Regular Meeting) (tabled from October 6, 2004)
- 4.3. August 24, 2004 (Workshop Meeting)
- 4.4. September 7, 2004 (Regular Meeting)
- 4.5. September 14, 2004 (Regular Meeting)
- 4.6. September 21, 2004 (Special Meeting)

#### *Proclamation*

- 4.7. National Epilepsy Awareness Month (November 2004)

#### *Resolutions*

##### **4.8. PETITIONER REQUESTING A TABLING TO NOVEMBER 3, 2004**

AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, G.L. HOMES OF DAVIE ASSOCIATES III, LTD. AND LONG LAKE RANCHES WEST HOMEOWNERS ASSOCIATION, INC., TO CONSENT TO THE PERPETUAL ENCROACHMENT OF IMPROVEMENTS RELATED TO SODDING AND LANDSCAPING ONTO THE HIATUS ROAD RIGHT-OF-WAY; TO GRANT THE LONG LAKE RANCHES WEST HOMEOWNERS ASSOCIATION, INC., A NON-EXCLUSIVE EASEMENT ONTO THE HIATUS ROAD RIGHT-OF-WAY FOR MAINTAINING THE IMPROVEMENTS; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 6-1-04, Long Lake Ranches Plat III, 3201 Hiatus Road) (tabled from October 6, 2004)

**TOWN COUNCIL MINUTES  
OCTOBER 20, 2004**

- 4.9. **LIEN SUBORDINATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA  
R-2004-227 SUBORDINATING THE LIEN OF THE TOWN OF DAVIE ON PROPERTY OWNED  
BY JOLMY ENTERPRISES, INC. WITH RESPECT TO CERTAIN MORTGAGE  
INDEBTEDNESS AND PROVIDING AN EFFECTIVE DATE. (tabled from October 6,  
2004)
- 4.10. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
APPROVING THE SELECTION OF GAME TIME FOOD & BEVERAGE SERVICES  
INC. AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR  
CONCESSIONAIRE SERVICES AT DAVIE PINE ISLAND PARK. (projected first  
year revenue of \$20,400) (tabled from October 6, 2004)
- 4.11. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING  
R-2004-228 THE APPLICATION FOR A \$24,150 GRANT FROM U.S. DEPARTMENT OF  
HOMELAND SECURITY'S 2004 FIRE PREVENTION AND SAFETY GRANT  
PROGRAM; AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE  
GRANT, IF AWARDED (WITH \$10,350 MATCHING FUNDS).
- 4.12. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE  
R-2004-229 BID FOR HORSE CROSSINGS. (Asphalt Paving Specialists, Inc. - \$25,000)
- 4.13. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE  
R-2004-230 BID FOR ROOF REPAIR AT OLD DAVIE SCHOOL. (Colonial Roof Services -  
\$27,180)
- 4.14. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2004-231 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH SALTZ  
MICHELSON ARCHITECTS FOR MISCELLANEOUS ARCHITECTURAL  
SERVICES.
- 4.15. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2004-232 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CPZ  
ARCHITECTS, INC. FOR MISCELLANEOUS ARCHITECTURAL SERVICES.
- 4.16. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2004-233 APPROVING A TRI-PARTY AGREEMENT BETWEEN THE DAVIE-COOPER CITY  
CHAMBER OF COMMERCE, THE TOWN OF DAVIE AND THE DAVIE  
COMMUNITY REDEVELOPMENT AGENCY; AUTHORIZING THE EXECUTION  
OF SAME BY THE APPROPRIATE OFFICIALS OF THE TOWN; AND PROVIDING  
FOR AN EFFECTIVE DATE. (\$364,000)

**TOWN COUNCIL MINUTES  
OCTOBER 20, 2004**

- 4.17. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2004-234 APPROVING AN EASEMENT AGREEMENT BETWEEN THE DAVIE-COOPER CITY CHAMBER OF COMMERCE, THE TOWN OF DAVIE AND THE DAVIE COMMUNITY REDEVELOPMENT AGENCY; AUTHORIZING THE EXECUTION OF SAME BY THE APPROPRIATE OFFICIALS OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.18. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA**  
R-2004-235 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND LAKESIDE VILLAGE AT DAVIE, LLC., FOR THE INSTALLATION OF IMPROVEMENTS TO SATISFY TRAFFIC CONCURRENCY RELATING TO THE LAKESIDE VILLAGE AT DAVIE PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 9-1-04, Lakeside Village at Davie, 6990 Griffin Road)
- 4.19. **EASEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TO**  
R-2004-236 ACCEPT A DRAINAGE EASEMENT FROM VISTA FILARE HOA AT THEIR TOT LOT TO INSTALL A DRAINAGE PIPE TO IMPROVE STORMWATER ROUTING IN THE AREA.
- 4.20. **EASEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TO**  
R-2004-237 ACCEPT A DRAINAGE EASEMENT FROM PROSPER AND KIMBERLY LUGASSY AT 14404 S. ROYAL COVE CIRCLE, DAVIE, FL. 33325 TO INSTALL A DRAINAGE PIPE TO IMPROVE STORMWATER ROUTING IN THE AREA.
- 4.21. **LAND USE CATEGORY SUPPORT - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-2004-238 FLORIDA, SUPPORTING THE CREATION OF TWO LAND USE CATEGORIES FOR ADOPTION INTO THE BROWARD COUNTY LAND USE PLAN; TRANSIT ORIENTED DEVELOPMENT (TOD) AND TRANSIT ORIENTED CORRIDOR (TOC), TO ASSIST IN IMPLEMENTING THE UNIFIED REDEVELOPMENT EFFORTS OF EACH LOCAL GOVERNMENT ALONG THE STATE ROAD 7/U.S. 441 CORRIDOR; AND AUTHORIZING THE MAYOR TO EXECUTE.
- 4.22. **ANNEXATION OPPOSITION - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-2004-239 FLORIDA, OPPOSING RECENT ACTIONS BY THE CITY OF COOPER CITY WITH RESPECT TO PROPOSED ANNEXATIONS OF PROPERTIES LOCATED WITHIN OR ADJACENT TO THE UNITED RANCHES NEIGHBORHOOD AND URGING THE BROWARD LEGISLATIVE DELEGATION TO DENY ANY HEARINGS REQUESTED BY THE CITY OF COOPER CITY UNTIL AFFECTED RESIDENTS ARE GRANTED THE OPPORTUNITY TO VOTE ON WHICH MUNICIPALITY THEY WISH TO BE ANNEXED INTO, AND PROVIDING AN EFFECTIVE DATE.

**TOWN COUNCIL MINUTES  
OCTOBER 20, 2004**

- 4.23. **REQUEST TO MPO** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2004-240 REQUESTING THAT THE BROWARD COUNTY METROPOLITAN PLANNING ORGANIZATION (MPO) MODIFY THE RECOMMENDED 2030 BALANCED NEEDS PLAN PROPOSED HIGHWAY PROJECTS AND THE PROPOSED 2030 LONG RANGE TRANSPORTATION PLAN; REQUESTING THAT CERTAIN PROPOSED HIGHWAY PROJECTS BE INCLUDED IN THE PROPOSED PLANS; REQUESTING THAT CERTAIN PROPOSED HIGHWAY PROJECTS BE REMOVED FROM THE PROPOSED PLANS; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.24. **INTENT TO ISSUE TAX-EXEMPT BONDS** - A RESOLUTION OF THE TOWN  
R-2004-241 OF DAVIE, FLORIDA, INDICATING THE OFFICIAL INTENT OF THE TOWN COUNCIL TO ISSUE TAX-EXEMPT BONDS TO FINANCE THE COST OF VARIOUS CAPITAL PROJECTS OR FOR OTHER MUNICIPAL PURPOSES AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF
- 4.25. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2004-242 AUTHORIZING THE TOWN COUNCIL TO ENTER INTO AN AGREEMENT FOR THE APPOINTMENT OF CHRISTOPHER J. KOVANES AS THE INTERIM TOWN ADMINISTRATOR; AND PROVIDING AN EFFECTIVE DATE.
- 4.26. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE  
R-2004-243 BID FOR EMERGENCY GENERATORS.
- Quasi-Judicial Consent Agenda*
- 4.27. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING  
R-2004-244 THE PLAT KNOWN AS “LAKESIDE VILLAGE AT DAVIE” AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR’S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 2-2-04, Lakeside Village at Davie, 6990 Griffin Road) *Planning and Zoning Board recommended approval*

**TOWN COUNCIL MINUTES**  
**OCTOBER 20, 2004**

- 4.28. **SITE PLAN** - SP 4-3-04, Montessori Institute of Broward, 12425 Orange Drive (B-3) *Site Plan Committee recommended approval based on the planning report and that the following items be added: 1) on sheet A-1.1, that signage is not a part of this approval and there is a separate signage approval that the applicant has to go through at the staff level; 2) on sheet 3 of 9, eliminate reference to "Retention C"; 3) change "Retention A" on sheet A-1.1 to match sheet 3 of 9; 4) on sheet 4 of 9, add a stop sign at the east side of the drop-off lane; 5) on sheet 4 of 9, add a curved island at the east entrance drive, reshape the south side for traffic flow and add Indian Hawthorne and three Fox Tail Palms in that island along with irrigation; 6) the a/c units on the end of the administration building is to be moved between the two sets of windows and put landscaping around the a/c units; 7) on the architectural plans, correct the plans to match the new elevations which showed the correct number of windows at the media center and at the registration buildings; 8) on sheet 4 of 9, correct the a/c pads/slabs to two slabs "they are entrance slabs not a/c pads"; 9) on sheet A-2.1, add doors to the plan at classrooms 10 through 14; 10) if covered walkways or covered drop-off areas are to be added, those modifications would need to be approved by the Town and should not be added without being reviewed; 11) for landscaping, a) add mid-high plantings at both sides of the drop-off canopy; b) at the a/c areas, change the surrounding plantings from 30 inches to 48 inches; c) at both entries add mid-level accent plants; and d) note the hedge type at the perimeter of the site; and 12) on the photometric plan, adjust the lighting at the handicapped spots two parking area locations and at the west entry to try and even out the lighting levels to be close to two footcandles if possible*

*Temporary Use Permits*

- 4.29. TU 9-1-04, Grove Creek, 12901 Orange Drive (construction trailer)

- 4.30. TU 9-2-04, Happy Holidays Seasonal Sales, 7911 Orange Drive (Christmas tree sales)

Councilmember Crowley requested that items 4.9, 4.25, 4.26 and 4.28 be removed from the Consent Agenda. Vice-Mayor Paul requested that items 4.3, 4.4, 4.5, 4.6, 4.10, 4.18, 4.27, 4.23, 4.29, 4.19 and 4.20 be removed. Mayor Truex requested that items 4.16, 4.17, and 4.22 be removed.

Councilmember Starkey made a motion, seconded by Councilmember Hubert, to approve the Consent Agenda without items 4.3, 4.4, 4.5, 4.6, 4.9, 4.10, 4.16, 4.17, 4.18, 4.19, 4.20, 4.22, 4.23, 4.25, 4.26, 4.27, 4.28, and 4.29. In a voice vote, all voted in favor. (Motion carried 5-0)

**5. DISCUSSION OF CONSENT AGENDA ITEMS**

4.3, 4.4, 4.5 and 4.6 Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to table to November 3, 2004. In a voice vote, all voted in favor. (Motion carried 5-0)

4.9 Councilmember Crowley asked Mr. Kiar if he had any concerns about this item based on previous discussions.

Jeff Hockman, representing the firm of Johnson Anselmo, spoke of the lien subordination and advised that the special counsel Mike Burke had indicated there was no reason why the subordination should not go through.

Councilmember Starkey advised that she had done some research and wanted to go over additional items for the benefit of everyone present. She stated that she wanted to hear from the applicant's attorney on why the Town should subordinate the \$357,000.

Mr. Moody, representing Jolmy Enterprises, spoke of the lien agreement between the Town and Jolmy. He discussed the list prepared for the Town, which showed the deed value of the property in 1986

**TOWN COUNCIL MINUTES**  
**OCTOBER 20, 2004**

and stated that he could not understand why the Town was uneasy with the subordination of the value of the property.

Councilmember Starkey voiced her concern that Council had heard two different statements from comments made previously. She stated that not having more than minimal information in the backup, it was difficult for her to make a decision. Councilmember Starkey pointed out that Council had been told that the lien was under-secured, meaning the Town would never get back its money. She was concerned that: 1) the figure indicated \$8.6 million as an appraised value, yet the Town had no copy of the appraisal and 2) according to the agreement the Town received, Section 2, paragraph C, that “none of them could be subordinated unless the Town agreed on an appraisal”, which she was not sure had been done. Councilmember Starkey was also concerned that if there was a new appraisal, which according to the agreement, would have had to be done in order to get the Town to subordinate, it would have had to meet several conditions. She stated that she was concerned with the criteria, as she had not received enough information in the backup that substantiated any documentation that an appraisal had been done.

Mayor Truex asked staff for further information on this issue and questioned who on behalf of the Town had reviewed the appraisal. Mr. Moody indicated that someone on staff had prepared this but he could not remember the name. He advised that the \$8.6 million figure dated back to 1997 and that the subordination was based on this figure. Mr. Moody stated that he had not thought another appraisal was necessary because anyone would know that the property would be worth a lot more than \$8.6 million now. Mayor Truex asked what the current value on the property was. Mr. Moody indicated he was not sure.

Councilmember Starkey spoke of several occasions when the Town had subordinated liens over the past few years and allowed other debts to come ahead of them. She felt the Town had received very little information to justify subordinating \$357,000 of taxpayers' money. Councilmember Starkey stated that she was uncomfortable with yet another subordination request and pointed out that since 1997, Jolmy had not yet gone vertical. She indicated that she would be much more comfortable with a current appraisal. Mr. Moody pointed out that the agreement did not specify that a current appraisal had to be done. Councilmember Starkey advised that all the agreements involved were not provided in Council's backup and felt there were more unanswered questions. She reiterated that she was not comfortable acting on this tonight.

Mr. Hockman indicated that there was no change in position in terms of the value of the property except up. Councilmember Starkey felt sufficient information was not provided to Council.

Mayor Truex wanted to clarify that the Town would be 100% secure after the subordination. Mr. Moody replied in the affirmative. Mr. Hockman stated that the Town was in no worse position by subordinating the lien.

Mayor Truex asked Mr. Kovanes where the appraisal information originated. Mr. Kovanes responded that the Town had no appraiser on staff but reference to the Property Appraiser's Office gave the current appraised value. Mr. Kovanes advised that the Town Clerk's Office had collected information based upon the past resolutions.

Vice-Mayor Paul called the question in order to stop discussion on this item. In a voice vote, all voted to stop discussion on this item. (Motion carried 5-0)

Councilmember Crowley made a motion, seconded by Vice-Mayor Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - no. (Motion carried 4-1)

**TOWN COUNCIL MINUTES**  
**OCTOBER 20, 2004**

Councilmember Starkey wanted additional information on the status of this item and stated that she was not comfortable acting on this item without adequate information. Vice-Mayor Paul pointed out that any information Council wanted was available at any time prior to a meeting.

4.10 Vice-Mayor Paul asked if the Town would entertain PAL's request to run concession stands. Assistant Town Administrator Ken Cohen stated that the winning bidder was not interested in going forward if the Town converted the contract from three years to one year. If Council entertained PAL's request, he suggested that the Town reject all the bids so staff could re-bid the contract on a short-term basis.

Mayor Truex asked if PAL had a business plan written out yet. Mr. Cohen advised that PAL was in the process of preparing one. He suggested that the Town get another vendor on a short-term basis.

Councilmember Starkey asked if the Town would still get some of the concession sales from the short-term vendor. Mr. Cohen responded in the affirmative but the amount would be at a lesser degree.

Vice-Mayor Paul asked whether the Town would put this out to bid in light of PAL's request. Mr. Cohen advised that the Town put the short-term vendor in place soon, as going out to bid would take two months.

Councilmember Starkey questioned why the Town would not bid this out. Mr. Cohen indicated that the responses would not allow staff to place a contractor in place on time within the two-week period. Councilmember Starkey asked if the Town would be violating the due process provision of the contract, because Council renegotiated since the contractor was not in favor of a shorter term. Attorney Andre Parke suggested that Council include on the record that the winning bidder rejected the bid and would not move forward if the Town moved toward a shorter-term contract. Mr. Cohen pointed out that according to the RFP, Council was within its right to reject all bids.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to reject the bids. In a voice vote, all voted in favor. (Motion carried 5-0)

4.16 and 4.17 Mayor Truex asked if he was able to vote on this item, as he was a member of the Davie/Cooper City Chamber of Commerce. Mr. Kiar asked Mayor Truex if there was any remuneration in his favor. Mayor Truex responded in the negative. Mr. Kiar advised that there was no problem with Mayor Truex voting on this item.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.19 and 4.20 Vice-Mayor Paul wanted clarification if any further discussion had been held regarding moving an easement to the rear of the resident's yard. Town Engineer Larry Peters explained that the Town did not get an easement for this particular parcel. Mr. Peters advised he had asked the resident to meet with him at the site but they were not interested.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.22 Mayor Truex felt that this issue was up to the legislature and that the lawsuit was simply based on a technicality. He stated that Council needed to get its own lobbyist to press the rights of the United Ranches residents. Mayor Truex advised that he did not think it was fair that Cooper City was attempting to take out some commercial parcels. He felt that even if Cooper City owned the particular strip of land in question, it was not right to use this to prevent United Ranches residents from voting on where they wanted to go. Mayor Truex stated that Council should do everything possible to press the democratic rights of these residents so they could vote on where they wanted to go.

**TOWN COUNCIL MINUTES**  
**OCTOBER 20, 2004**

Councilmember Starkey felt that the Town's lobbyists needed to be used and that Cooper City's efforts were "cherry picking." She stated that Council should discuss strategies collectively in order to come to a consensus. She recommended that a Special Executive Session be held on this issue as the Broward delegation was scheduled to meet soon.

In a voice vote, all agreed to holding a Special Executive Session on October 25, 2004 at 5 p.m. in the Town Administrator's Office.

Mr. Kiar recommended that a copy of the resolution be sent individually to each member of the delegation.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to approve with the instruction to send the resolution to each member of the delegation. In a voice vote, all voted in favor. (Motion carried 5-0)

4.23 Vice-Mayor Paul referred to the first page and advised that she had made changes to the resolution.

Councilmember Crowley indicated that he had met with residents of Nova Drive, Arrowhead and Park City areas to discuss traffic improvements. Vice-Mayor Paul suggested adding language that "the Town Council did not support the widening of four lanes but would request improvements along the corridor such as stacking and turn lanes, bus bays, and improvements at the intersection of University Drive and Nova Drive at the entrance to Home Depot." She recommended inserting the language "request traffic calming improvements such as..." followed by the list of recommendations.

Vice-Mayor Paul referred to the middle of the second page, regarding the 14<sup>th</sup> Street project and suggested that the Town consider doing something similar to what was done at South Post Road, suggesting that the City of Weston might wish to widen from Weston Road to the I-75 bridge, but not widen the portion in Davie.

Vice-Mayor Paul recommended a correction with regard to language in Section 1A - and suggested that the resolution indicate what the variation was. Mayor Truex agreed that this needed to be adjusted to conform accordingly. Vice-Mayor Paul referred to Section 4 and recommended that the Town send a copy to FDOT as well.

Councilmember Hubert referred to Section 1(C) and pointed out that with the current language, it sounded as if there would still be six lanes with the center turn lane. Vice-Mayor Paul agreed that this language needed to be clarified. She suggested correcting the language to state that "I-595 would only be widened to the extent that the center turn lane could be utilized," and suggested dropping the language stating "from four lanes to six lanes."

Councilmember Crowley asked Vice-Mayor Paul if there had been further discussion with the MPO on Davie Road Extension from University Drive to Stirling Road. He felt that this issue had been shelved so many times and he wanted to see it move forward. Vice-Mayor Paul advised that this was in design but that improvements had yet to be funded.

Vice-Mayor Paul questioned if Council could expand the Airport Advisory Board to include transportation of all types and include roadway issues. Councilmember Starkey stated that the Board had enough to handle.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve, subject to changes made by Vice-Mayor Paul. In a voice vote, all voted in favor. (Motion carried 5-0)

4.25 Councilmember Crowley advised that he had discussed the draft agreement with Mr. Kiar. He advised that the termination severance pay had been reduced from nine months to six months. Mayor

**TOWN COUNCIL MINUTES  
OCTOBER 20, 2004**

Truex referred to Section 3 and felt the language should reflect that if Mr. Kovanes was not able to return to the previous position he held, he should be entitled to the same benefits he had before.

Councilmember Crowley explained the differences between the original contract and the contract offered. Vice-Mayor Paul and Councilmember Starkey indicated they agreed with these terms also. Councilmember Starkey felt that the Town was saving money and asked Councilmember Crowley to explain when the cost of living increase terms would apply. Mr. Cohen advised that all employees received their cost of living increase on the first day of each new fiscal year. Mayor Truex thought the \$115,000 salary was too high.

Councilmember Crowley referred to page 4, Section 12 and voiced his concern about language related to pension back pay option in the managerial plan retroactive to October 2003. He advised that he had heard from a number of employees regarding the Town's pension plan and felt that Council should hold a workshop at some point to discuss this issue.

Mayor Truex asked whether this would be a big cost item for the Town if Mr. Kovanes continued in the present position versus what the current agreement proposed. Budget and Finance Director Bill Underwood opined that this would be a dominimus amount because the calculation was actually determined over a period of 30 years, therefore the incremental buyback for the 12 months was insignificant.

Councilmember Starkey felt it was about time Council addressed this issue of employees' pensions and stated she was happy that Council would be discussing this soon.

Regarding the car allowance, Mayor Truex asked Mr. Kovanes if he agreed to the Town providing gas only for business use within Broward County. Mr. Kovanes responded in the affirmative.

Councilmember Crowley referred to page 5, Section 13, with regard to paying for his County's contractor's license fee and asked if he objected to taking this out of the contract. Mr. Kovanes stated that this should be deleted. Councilmember Starkey pointed out that this language should also be removed from Section 14.

Councilmember Crowley referred Section 14, stating that the Interim Town Administrator should be paid an additional lump sum of \$650 annually to cover miscellaneous out-of-pocket expenses. He asked if Mr. Kovanes agreed to removing this language. Mr. Kovanes concurred.

Vice-Mayor Paul suggested Florida League of Cities, State meetings and/or annual conferences be added to the list of places Mr. Kovanes would be likely to travel in relation to his functions. Councilmember Starkey also suggested including Broward Days.

Councilmember Starkey referred to Section 10, the last sentence, regarding vacation and sick leave and recommended excluding executive days from compensatory time.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve, subject to Council's recommendations. In a voice vote, with Mayor Truex dissenting, all voted in favor. (Motion carried 4-1)

4.26 Councilmember Crowley spoke of problems with generators purchased for the emergency management systems during the recent hurricanes. Mr. Kovanes advised that the Town and the Fire Department were in the process of rectifying the situation and trying to correct the problems.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.28 Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Peters summarized the planning report and advised that the school was compatible with usages of adjacent sites.

Carlos Alvarez, representing the petitioner, spoke of the site's characteristics and scheduled improvements.

## **TOWN COUNCIL MINUTES**

### **OCTOBER 20, 2004**

Councilmember Crowley asked about improvements for Orange Drive. Mr. Peters indicated that the Town conducted a traffic study to determine the impact to different developments between Flamingo Road and Imagination Farms. He advised that the estimated cost would be \$100,000 and stated that it met the concurrency for a traffic light at Griffin Road just to the south.

Councilmember Crowley spoke of the separation needed between this project and an adjacent gas station. Mr. Peters explained that there was a 250-foot defined separation. Mr. Alvarez advised that the Code met the restriction necessary. Vice-Mayor Paul stated it would be good to get the exact number of feet needed from school building to storage tank if this was an issue.

Vice-Mayor Paul advised that she had spoken with Site Plan Committee members Bob Breslau and Julie Aiken regarding their concerns about internal stacking and traffic. Vice-Mayor Paul stated that she was also concerned about this and wanted to see how the cars would come in and where the drop offs would be. Mr. Alvarez indicated accordingly on the diagram. Vice-Mayor Paul was concerned that if they used the parking lot for stacking and had people waiting to drop off, this would actually block people from moving in and out of parking spaces. She advised that Mr. Breslau had indicated this as a concern of his. Mr. Alvarez advised that the applicant had met with Broward County's Engineering Special Projects expert in charge of schools and indicated that the diagram presented was a result of those discussions. Councilmember Starkey observed that the layout was similar to that of Silver Ridge Elementary School. She felt that most school situations were not perfect and pointed out that with two lanes of traffic circulating, someone would have to back up and let another driver out. Vice-Mayor Paul asked if staff would be out during peak times to direct traffic. Mr. Alvarez responded in the affirmative. Vice-Mayor Paul spoke of the horrendous traffic in the area of Orange Drive and felt Council had to be proactive in making sure improvements were done, based on many problems with schools and traffic jams.

Councilmember Crowley asked if the applicant had agreed to all of the Site Plan Committee's recommendations. Mr. Alvarez indicated in the affirmative. Councilmember Crowley asked about the emergency access off Orange Drive if the applicant would fill in the swale area. Mr. Alvarez stated that this was the staging area. Councilmember Crowley referred to the temporary construction trailer and asked when it would be removed. Mr. Alvarez responded that it would be removed in less than a year. Councilmember Crowley reiterated his concerns about the neighboring gas station.

Mr. Kiar read a portion of Code Section 12-34 that addressed the distance separation from gas stations. He stated that from lot line to lot line, a minimum shortest airline distance of 250 feet was required from any lot to be occupied by a school. Planning and Zoning Manager Fernando Leiva traced the previous list of approvals for this site plan which dated back to March 2000 and observed that the distance requirement had not been met. Based on the language in the Code, Mayor Truex felt the language indicated that if the school knew the gas station was adjacent and chose to build there, there would always be some risk. Mr. Alvarez advised that the school had been planned purposely to be a safe enough distance from the gas tanks. He asked for Council's approval as time was running short.

Councilmember Crowley indicated that he might approve when further information was presented on proposed improvements to Orange Drive.

Mayor Truex asked if it was possible for the applicant to submit their engineering plans at their peril. Mr. Leiva agreed with Council that the applicant could submit plans so long as the applicant signed a hold harmless agreement that indicated they were doing so at their peril.

Mr. Leiva pointed out that Section 12-34 applied to gas stations, but there was no specific regulation that applied to schools.

Vice-Mayor Paul felt that Planner Chris Gratz should be present at further discussions so that he could give his interpretation on these issues. Mr. Kiar concurred with Mayor Truex and Mr. Leiva. He advised that his office could not find any other provisions pertaining to the school being built afterward.

**TOWN COUNCIL MINUTES  
OCTOBER 20, 2004**

Mayor Truex stated that he was in favor of any project that added more classrooms. He was in favor of tabling this for two weeks with the proviso that the applicant submitted engineering plans, in order to accomplish letting the applicant move forward. Councilmember Crowley wanted staff to have more time to review the legal issues.

Vice-Mayor Paul asked if there were more parking spaces than required. Mr. Alvarez advised that due the school wanting to have a 6th through 8th grade curriculum, this prompted the stacking requirement versus having a 100% pre-school. He advised that the applicant was exceeding the stacking by two. Vice-Mayor Paul asked if they would start with elementary and middle. Mr. Alvarez responded that the ideal situation was to begin only with pre-school but as this was unlikely, the school would have to open at the elementary level.

Mr. Kiar advised that staff would add any stipulations it felt were appropriate. He opened the public hearing portion of the meeting.

Jason Curtis, 3801 Flamingo Road, felt that traffic was going to be a problem.

Julie Aiken discussed the concerns of the Site Plan Committee.

Mr. Kiar closed the public hearing.

Mr. Alvarez asked whom he should contact regarding the separation issue. Mr. Leiva and Mr. Kiar offered to meet with the applicant. Mr. Kiar asked staff to work with the applicant on certain stipulations and conditions to safeguard the community and the school.

Vice-Mayor Paul asked if the Site Plan Committee had the legal ability to reconsider items that were passed. Mayor Truex asked staff to look further into this.

Vice-Mayor Paul disclosed that she had spoken with "these fine gentlemen," Mr. Breslau and Ms. Aiken.

Councilmember Crowley made a motion, seconded by Vice-Mayor Paul, to table to November 3, 2004 with the proviso that the applicant be allowed to submit an application with a hold harmless letter. Mayor Truex asked that if this prevailed, staff expedite this item on the docket. Mr. Kovanes agreed. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - no; Councilmember Starkey - yes. (Motion carried 4-1)

4.29 Vice-Mayor Paul asked what the ruling was on fencing at construction sites. She voiced her concerns about different areas where people could get access to this particular property. Development Services Director Mark Kutney advised that this was determined on a case-by-case basis. He stated that requirements were dependent on equestrian needs. Vice-Mayor Paul voiced her safety concerns and spoke of kids climbing on the mounds on this property and the Charleston Oaks property. Mr. Kutney indicated that staff could look further into this.

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

(Items 4.18 and 4.27 were approved with item 6.3.)

**TOWN COUNCIL MINUTES  
OCTOBER 20, 2004**

**6. PUBLIC HEARING**

*Ordinances - Second and Final Reading*

- 2004-32 6.1. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 12, CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT CODE", BY AMENDING ARTICLE XII THEREOF, ENTITLED "SUBDIVISION AND SITE PLANS", BY AMENDING DIVISION 3 THEREOF ENTITLED "SITE PLAN REQUIREMENTS AND PROCEDURES", BY CREATING SECTION 12-381 BY INTRODUCING STORMWATER POLLUTION PREVENTION REQUIREMENTS, WHICH ARE MANDATED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR VARIOUS CONSTRUCTION ACTIVITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 2004-33 6.2. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 5-2-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-2-04, Toral/Lloyd, 4760 and 4820 SW 64 Avenue) *Planning and Zoning Board recommended approval*

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Hubert made a motion, seconded by Vice-Mayor Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

*Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held November 3, 2004)*

- 6.3. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-2-03/FX 12-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: A-1, AGRICULTURAL DISTRICT AND GRIFFIN CORRIDOR DISTRICT (WEST GATEWAY USE ZONE 1); TO: GRIFFIN CORRIDOR DISTRICT (WEST GATEWAY USE ZONE 1) AND ALLOCATING COMMERCIAL FLEXIBILITY; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-2-03/FX 12-1-03, Lakeside Village at Davie, 6990 Griffin Road) *Planning and Zoning Board recommended approval subject to site plan approval*

## **TOWN COUNCIL MINUTES OCTOBER 20, 2004**

Town Clerk Muniz read the items by title. Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Leiva spoke of the application history and explained that Council was within its rights to remove the restrictions placed on the site.

Mayor Truex asked what parcel the restriction was on. Howard Jablon, representing the petitioner, indicated that the portion of the property was the Viele property, which was located to the east and west of the center, approximately 200 feet in the center, was not part of the restriction.

Mr. Leiva summarized the rezoning request.

Vice-Mayor Paul asked why there was no land use plan amendment necessary. Mr. Leiva advised that a land use plan amendment was necessary when the Town was changing the color on the map, which was not the case in this instance. He advised that the Land Development Code allowed for this type of rezoning without an amendment. Vice-Mayor Paul asked if the flexibility was removed, what happened to the density and would a land use plan amendment be done then. Mr. Leiva stated that it would take away the flexibility if they were not able to come up with a mixed-use type of development and in such a case, it would take away flexibility according to Broward County's administration rules.

Vice-Mayor Paul spoke of previous concerns about extending the Griffin Road corridor so deep and by making that flexibility apply to the entire property. Mr. Leiva explained that the Land Development Code had no language about how deep the Town could go along the Griffin Road corridor. Vice-Mayor Paul pointed out that at first the Griffin Road corridor was established as just a corridor. Mr. Leiva pointed out that if the Town came up with a designation, it should be able to bring more specificity as to the depth of parcels fronting this specific corridor. Mayor Truex indicated that the variation between narrow and wide developments made this difficult.

Dick Coker, representing the petitioner, spoke on the merits of the project.

Mayor Truex asked how the horse trail would end. Mr. Jablon indicated he would work with staff to resolve this issue.

Mayor Truex requested that certain uses not be permitted including: medical clinic, laboratory including medical lab, research facilities, video rental, catering hall, game room arcade, bars and lounges that were an accessory to a hotel or restaurant, light fabrication assembly, and illegal, or legal in the future, gaming of any sort. Mr. Coker indicated in the affirmative and added that it was voluntary. He wanted to stipulate that the restrictions be in favor of the Town. Mr. Coker indicated the applicant would prefer to make the restrictions in favor of the Town, and if the restriction had to be enforced, the Town could hold public hearings with the associations. Mayor Truex concurred. Mr. Parke wanted it stipulated that the restrictions be made pursuant to the health and safety of Town's residents.

Mayor Truex spoke of the construction schedule and wanted assurances that 80% of the homes would be CO'd and the last 20% would be held until the mixed-use units were finished. He wanted to be assured that the Osterhault homestead would be removed at the applicant's expense. Mr. Coker concurred. Mayor Truex wanted the residential density be maintained into the future. He asked if there was some legal device to stipulate that density would not be increased if someone decided to knock down the front units and build something bigger. Mr. Coker stated that this be included in the declaration of restrictions about the uses.

Councilmember Starkey spoke of previous discussions about notifying the residents about the entire process of building. She felt it was important to keep the channels of communication open to the residents and hoped the applicant would keep to this agreement. Councilmember Starkey asked that Council be copied on any communication.

Vice-Mayor Paul questioned the size of the homes and the businesses that could be located there. Mr. Coker indicated the average size would be 60 feet x 115 feet and advised that the homes would range from 2,400 square feet to almost 3,400 square feet. Vice-Mayor Paul asked if the developer anticipated

## **TOWN COUNCIL MINUTES**

### **OCTOBER 20, 2004**

the type of development that would complement residents working there to reflect mixed use. Mr. Coker indicated there would be a lot of office space and added that small service usage was anticipated.

Councilmember Crowley commended the developer for the project and requested that the developer restrict contractors from driving dump trucks and heavy equipment down 70th Avenue. Mr. Coker said they would do their best to control the contractors within their ability. Mayor Truex asked that this be stipulated in the contracts with contractors. Vice-Mayor Paul stated that if this was stipulated in the contract, then when the dump trucks went down the wrong roads, staff would be able to shut down violators.

Councilmember Crowley voiced his interest in participating in discussions with the Historical Society, regarding relocation of the Osterhaut House.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Paul asked about traffic concurrency items listed in the backup. Mr. Coker stated that one item was a camera detection system and the other was a continuous turn lane. Vice-Mayor Paul asked if another lane was being added on Griffin Road. Mr. Coker indicated it was a continuous turn lane.

Councilmember Starkey disclosed that she had spoken with the developer. Councilmember Crowley disclosed that he had spoken with all the consultants present. Mayor Truex disclosed that he had spoken with the developer and attended some of the meetings.

Mayor Truex felt this project was exactly as discussed when the Town passed the Griffin Road ordinance and was happy to see that there would be no rentals above, but rather ownership of homes in that area. He indicated that he would welcome this development in the area. Councilmember Crowley felt Council should be commended for denying the original proposal for this site.

Councilmember Starkey felt the location was great and commended the developer for incorporating the public participation plan, involving the community and listening to Council. She voiced her concern about a lot of traffic coming in and out of the main entrance and asked about the possibility for installing gates for the safety of children. Mayor Truex indicated that he was not in favor of this.

Vice-Mayor Paul felt that the density was less than it would be if the Town followed the future land use. She stated that based on the Town's Code, and agreeing that it would be part of the Griffin Road corridor, the development brought to her mind that current Codes did not preserve open space as originally intended in the Council's vision. Vice-Mayor Paul felt that perhaps a review of some of the Town's current Codes and future land use maps should be done to make all of the zoning areas more compatible.

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve item 6.4, subject to Site Plan Committee approval and all conditions agreed to by both parties. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve item 6.3, subject to Site Plan Committee approval and all conditions agreed to by both parties. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve item 4.27, subject to Site Plan Committee approval and all conditions agreed to by both parties. In a roll call

## TOWN COUNCIL MINUTES

### OCTOBER 20, 2004

vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve item 4.18, subject to Site Plan Committee approval and all conditions agreed to by both parties. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

*Ordinance - First Reading (Second and Final Reading to be held November 3, 2004)*

- 6.4. **DECLARATION OF RESTRICTIONS TERMINATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-1-04, TERMINATING THE DECLARATION OF RESTRICTIONS ENTERED INTO BY MARGARET VIELE ON APRIL 12, 1989, ON CERTAIN LANDS WITHIN THE TOWN OF DAVIE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (6990 Griffin Road)

This item was approved in the discussion with item 6.3.

#### *Quasi-Judicial Items*

- 6.5. **VARIANCE** - V 5-1-04, Progressive Development Group, Inc./Mobil Oil Corporation, 2399 South University Drive (B-2) (1) to reduce the distance from the proposed gas station lot line to a residential property for 250 feet to 25 feet; 2) to reduce the distance to another gas station from 250 feet to 200 feet; 3) to reduce the lot area from 43,450 square feet for a lot to be occupied by fuel pump islands to 40,057 square feet; 4) to allow the fuel pump canopy higher than the mean roof height of the convenience store; and 5) to reduce the landscape buffer adjacent to the commercial property to the north from ten feet to 4.9 feet) *Planning and Zoning Board recommended approval of variances 1-4 and approved variance 5 as reflected on the plan presented and that the landscape plan should meet or exceed Code*

Mr. Kiar read the rules of evidence and swore in the witnesses.

Mr. Leiva read the planning report and the conditions that the applicant had voluntarily agreed to.

Todd Pressman, representing the petitioner, spoke of various areas of concern the developer had addressed to meet the concerns of the residents. He entered into the record an email letter from Rod Berg, president of the Valencia Village Condo Association, to Mayor Truex.

Mayor Truex asked how many pumps would be included. Brett Neval, representing the petitioner, indicated that four were existing and six were proposed. Mr. Pressman advised that eight had been proposed but were decreased to six.

Councilmember Crowley asked how much higher the canopy was than the building. Mr. Neval indicated that the store would be higher than the canopy and that the canopy would not be seen from the rear of the building. Councilmember Crowley asked if with these improvements, they would change the storage tanks. Mr. Neval indicated the tanks would be raised and rebuilt to 2009 standards.

Mr. Pressman wanted it reflected that the applicant would be agreeable to illuminating the alleyway in the rear.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Mayor Truex disclosed that he had spoken with Mr. Pressman. Councilmember Crowley disclosed that he had spoken with Mr. Pressman. Councilmember Starkey disclosed that she had spoken with "them".

**TOWN COUNCIL MINUTES  
OCTOBER 20, 2004**

Mayor Truex felt that this new gas station was contrary to the Code and did not belong on the site. He spoke of the Council's long-term vision and felt that at some point the Town should have something better than the filling station next to the residences.

Councilmember Crowley pointed out that the station was quite busy and successful and he felt it was very convenient to the residents who were adjacent. He indicated that with the proposed improvements to bring the site up to environmental standards, he would be in support of the project. Mayor Truex asked if it was any more unsightly with age than when it was first built. Councilmember Starkey agreed with Councilmember Crowley on the improvements proposed and indicated she was in favor of the project.

Councilmember Starkey made a motion, seconded by Councilmember Hubert, to approve, subject to the 11 voluntary conditions agreed to by the applicant. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 4-1)

- 6.6. **VARIANCE** - V 8-2-04, Cantillo, 4032 East Ridgeview Drive (A-1) (to reduce the minimum side setback from the property line from 30 feet to 25 feet) *Planning and Zoning Board recommended approval*

Mr. Parke read the rules of evidence and swore in the witnesses. Mr. Kutney summarized the planning report and read aloud a letter from the Homeowners Association.

An unidentified man, representing the petitioner, discussed the request.

Mr. Parke opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey disclosed that she had spoken with staff on this item.

Councilmember Hubert made a motion, seconded by Vice-Mayor Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

*Items to be tabled*

- 6.7. **PETITIONER REQUESTING A TABLING TO NOVEMBER 3, 2004**

SPECIAL PERMIT - SE 8-1-03, Lethbridge/Sunny Lake, 5400 Griffin Road (RO) (to fill any water body with material obtained from off-premises in excess of 3,000 cubic yards) (tabled from May 5, 2004) *Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

- 6.8. **PETITIONER REQUESTING A TABLING TO NOVEMBER 17, 2004**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 5-3-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-3, PLANNED BUSINESS CENTER DISTRICT TO RM-10, MEDIUM DENSITY DWELLING DISTRICT; RESCINDING ORDINANCE NO. 84-16; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-3-04, Voight/Matrix University, LLC., 5250 and 5270 University Drive)

This item was tabled earlier in the meeting.

**TOWN COUNCIL MINUTES  
OCTOBER 20, 2004**

**7. APPOINTMENTS**

- 7.1. Agricultural Advisory Board (one exclusive appointment - Councilmember Starkey; term expires April 2006) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

No appointment was made.

- 7.2. Child Safety Board (one exclusive appointment - Councilmember Crowley and Starkey and Mayor Truex; terms expire April 2006) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

- 7.3. Open Space Advisory Committee Agency (one exclusive appointment - Mayor Truex; term expires April 2006)

No appointment was made.

- 7.4. School Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2006) (insofar as possible, members are to have experience in educational matters)

No appointment was made.

- 7.5. Senior Citizen Advisory Committee (one exclusive appointment - Councilmembers Crowley and Mayor Truex; two exclusive appointments - Councilmember Hubert; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointments were made.

**8. OLD BUSINESS**

- 8.1. Rules for Public Participation

Mr. Parke advised that he had met with Mayor Truex, Vice-Mayor Paul and Ms. Aiken to review suggestions submitted for this document.

Mayor Truex asked if the public wanted to comment.

Ms. Aiken thanked Mr. Parke for the excellent job he did in blending all versions.

Councilmember Starkey referred to the language which read, "the Town Council greatly values your opinion" and suggested adding the language "and encourages citizen participation." Vice-Mayor Paul corrected two typographical errors on page 2.

Staff advised that these changes would be brought back at a future meeting in resolution form.

**9. NEW BUSINESS**

- 9.1. Community Chest - Mayor Truex

Mayor Truex advised that this item could be discussed on at a future meeting.

**10. MAYOR/COUNCILMEMBER'S COMMENTS  
COUNCILMEMBER CROWLEY**

**EVERGLADES WORKSHOP.** Councilmember Crowley requested that Council schedule a workshop regarding the Everglades Working Group in order to prepare a report for Broward County before the end of the year.

**TOWN COUNCIL MINUTES  
OCTOBER 20, 2004**

**MAYOR TRUEX**

**BROADVIEW PARK ANNEXATION.** Mayor Truex spoke of the Broadview Park annexation issue and discussed a proposal that was pending where the legislature would give Broadview Park the option to go to Plantation or Davie. Mayor Truex voiced his opposition to this annexation.

Councilmember Starkey indicated that this was a financial wash to some extent. She indicated that she would not mind entertaining this and pointed out that it was projected to not occur until 2006. She felt the Town should let the residents choose and believed that once the County met its obligations, she would be in favor. Councilmember Starkey hoped that financial obligations for any improvements would be met and that the Town would not be responsible for these costs. She felt that the area was a diamond in the rough and would one day be a good tax base to the Town.

Councilmember Hubert stated that the only tax base Broadview Park brought to Davie was 441.

Councilmember Crowley asked about a completed update on the impact of the study and if any request had been made to the County to update the 1999 study. Mr. Cohen indicated that the Town had requested an update to all the studies on all areas being considered for annexation and advised that the county did not necessarily move forward with providing such updates unless specifically requested.

**WORKSHOP.** Mayor Truex indicated that he wanted to hold a workshop on the future status of the Police Athletic League (PAL) and the safety of the children in the program. Council agreed to the workshop. Councilmember Starkey asked that the Parks and Recreation attend the workshop to review options.

**BIRTHDAY.** Mayor Truex congratulated Chief George for his upcoming birthday.

**COUNCILMEMBER STARKEY**

**SOUTHWEST RANCHES.** Councilmember Starkey spoke of a letter she received from Southwest Ranches Commissioner Knight seeking support for a project the community regarding the property next to Hawk's Bluff. Councilmember Starkey asked that Council send a letter of support to the Broward County Commission indicating that the Town supported Southwest Ranches' efforts to use the site as a park.

**MEETING.** Councilmember Starkey asked that another meeting be scheduled to discuss Hiatus Road and Math Iglar Park.

**VICE-MAYOR PAUL**

**CONGRATULATIONS.** Vice-Mayor Paul congratulated Interim Town Administrator Chris Kovanes.

**11. TOWN ADMINISTRATOR'S COMMENTS**

**FEMA.** Mr. Kovanes spoke of the Community Rating System for FEMA. He advised that the Town had successfully lowered its rating resulting in a 5% reduction in flood insurance fees for homeowners and a savings to the Town of about \$300,000. He indicated that the Town might lower its rating further next year.

**12. TOWN ATTORNEY'S COMMENTS**

**CONGRATULATIONS.** Mr. Kiar congratulated Interim Town Administrator Chris Kovanes.

**TOWN COUNCIL MINUTES**  
**OCTOBER 20, 2004**

**13. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 11:57 p.m.

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk